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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/377,629	08/19/1999	BRYCE ALLEN CURTIS	AT9-99-179	8139

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EXAMINER

KJSS, ERIC B

ART UNIT PAPER NUMBER

2192

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/377,629

Applicant(s)

CURTIS ET AL.

Examiner

Eric B. Kiss

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-19 and 21-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3,4,6-10,12,13,15-19 and 21-27 is/are rejected.
7) ☒ Claim(s) 5 and 14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 20050706.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the appeal brief filed on 19 October 2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

2. Claims 1, 3-10, 12-19, and 21-27 are pending.

Response to Amendment

3. It is noted that Applicant's amendments filed 11 March 2004 and 15 April 2004 have not been entered. Accordingly, the objection to the specification based on improper usage of trademarks (see the Office action mailed 15 January 2004) is maintained and reproduced below.

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It is further noted that Applicant's proposed amendments to the specification do not appropriately address the improper usage of all trademarks (*e.g.*, the trademark JAVA).

Response to Arguments

4. Applicant's arguments filed 19 October 2004, with respect to the rejections of claims 1-4, 6-8, 10-13, 15-17, 19-22, and 24-26 under 35 U.S.C. §102(b) and claims 9, 18, and 27 under 35 U.S.C. §103(a), have been fully considered but they are not persuasive.

In response to Applicant's argument on p. 8, paragraph 3, through p. 9, paragraph 2, the Examiner asserts that Applicant's argument that, because the Registry Editor is an "operating system tool", it is not an application, is simply untenable. The Examiner submits as evidence to the contrary p. 446 of "Microsoft® Computer Dictionary," 5th ed., 2002, Microsoft Press, defining "Registry Editor" as, *An application under Windows that allows the user to edit the entries in the registry* [emphasis added]. Further, it is not disputed that *Petrusha* describes that RegEdit depends on the registry functions within the Win32 API to gather information (*Petrusha* p. 61, as noted by Applicant on p. 8, lines 5-6 of the appeal brief filed 19 October 2004). In order for the Registry Editor to function as described, it must determine the native operating system command from the Win32 API (Application Programming Interface—*A set of routines used by an application program to direct the performance of procedures by the computer's operating system* [emphasis added]; see p. 33 of "Microsoft® Computer Dictionary," 5th ed., 2002, Microsoft Press) that properly accesses the required data. Failure to do so would simply make the Registry Editor inoperative and incapable of displaying the described tree structure that represents the selected contents of the registry.

In response to Applicant's arguments on p. 9, in paragraph 3, continuing through the end of p. 10, the Examiner maintains that the TreeView control is a data structure containing nodes representing registry data gathered by the registry editor application (see, for example, the section titled "The Registry Editor and the Registry" on pages 61-68 of *Petrusha*). Data contained in the nodes of this data structure may be displayed by the registry editor application, as illustrated, for example, on p. 39 of *Petrusha*. Required data that is not already contained in this data structure must be retrieved, enumerated, and added to this data structure prior to being displayed (see, for example, the section titled "The Registry Editor and the Registry" on pages 61-68 of *Petrusha*). See further, the code of example 2-4 on pages 67-68, and in particular, the last 13 lines of page 67 through the end of the code on page 68, which detail the expansion of a node including retrieving all of the child nodes, wherein the node names are read into buffers prior to executing the commands to generating the corresponding data structure information.

Applicant's remaining arguments, except as noted below, are believed to have been addressed as set forth above.

5. Applicant's arguments, see pp. 16-18 of the appeal brief filed 19 October 2004, with respect to the rejection of claims 5, 14, and 23 under 35 U.S.C. §103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection, under 35 U.S.C. §101, is made in view of further consideration of the disclosure set forth in the instant specification.

Admitted Prior Art

6. If Applicant does not seasonably traverse the well-known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, Applicant is charged with rebutting the well-known statement in the next reply after the Office action in which the well-known statement was made. This is necessary because the Examiner must be given the opportunity to provide evidence in the next Office action or explain why no evidence is required. If the Examiner adds a reference to the rejection in the next action after applicant's rebuttal, the newly cited reference, if it is added merely as evidence of the prior well known statement, does not result in a new issue and thus the action can potentially be made final.

The object of the following statement is taken to be admitted prior art:

It has been known to employ line wrapping in text files when a line exceeds a predetermined length (see the unchallenged statement of Official Notice in the Office actions mailed 17 July 2003 and 15 January 2004).

Specification

7. The Examiner acknowledges Applicant's respectful treatment of various trademarks throughout the specification but notes that some unintended misuse of trademarks can be found in various places within the specification.

The Examiner suggests the following guidelines for appropriate use of trademarks in the specification. Applicant is advised to carefully review all occurrences of trademarks in the specification and revise such occurrences accordingly.

- a) Trademarks should not be used in plural or possessive forms.
- b) Trademarks should be capitalized (each letter) or set apart from the surrounding text by using an appropriate designation (for example INTEL... or Intel®...).
- c) Trademarks should be used as an adjective modifying a noun, wherein the noun constitutes generic terminology for the mark (for example, Windows NT® operating system).

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 19 and 21-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 19 and 21-27, reciting articles of manufacture, are not limited to tangible storage devices in view of p. 15, lines 12-21, in the instant specification, which suggests that such an article may be a carrier or transmission. Accordingly, claims 19 and 21-27 do not recite tangible manufactures, and are non-statutory subject matter.

Claim Rejections - 35 USC § 102

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1-4, 6-8, 10-13, 15-17, 19-22, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ron Petrusha, "Inside the Windows 95 Registry," 1996, O'Reilly & Associates, Inc. (hereinafter *Petrusha*).

As per claims 1, 10, and 19, *Petrusha* discloses executing a command from an application program (registry editor) to store at least one variable maintained by the operating system in a data object accessible to the application program, wherein the application program is executing on the operating system; determining and executing an operating system command in response to the command from the application program to retrieve the requested at least one variable; storing the retrieved at least one variable in the data object (the registry editor interacts with the operating system's registry to retrieve registry entry data through the WIN32 Registry API; see, for example, the last paragraph on page 35; the section titled "Browsing the Registry with RegEdit" on pages 38-41; and the section titled "The Registry Editor and the Registry" on pages 61-68); and executing the command from the application program to retrieve the at least one variable from the data object for return to the application program (displaying the tree structure). *Petrusha* further discloses receiving a request from the application program for at least one variable maintained by the operating system (the user may attempt to expand a key within the GUI environment of the registry editor); and determining whether the requested variable is in the data object, wherein the command from the application program is processed to

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retrieve and store the at least one variable in the data object, via a buffer, if the requested at least one variable is not in the data object (if the selected key's subkey information has not yet been gathered by the program, the subkeys are retrieved, enumerated and added as nodes in the TreeView control; see the first paragraph on page 68; see further the code of example 2-4 on pages 67-68, and in particular, the last 13 lines of page 67 through the end of the code on page 68, which detail the expansion of a node including retrieving all of the child nodes, wherein the node names are read into buffers prior to executing the commands to generating the corresponding data structure information).

As per claims 3, 12, and 21, *Petrusha* further discloses receiving a request from a second application program for at least one variable maintained by the operating system (MICROSOFT Remote Registry Services Client); and returning the requested at least one variable from the data object populated as a result of the command executed by the first application program (MICROSOFT Remote Registry Services Server; the Server program interacts with the remote computer's registry via the WIN32 Registry API on behalf of the Client program, and registry entries obtained by the Server program are transmitted to the Client and displayed within the Client-side Registry Editor interface; see, for example, the section titled "Accessing the Registry on Remote Computers" on pages 60-61).

As per claims 4, 13, and 22, *Petrusha* further discloses the requested at least one variable retrieved as a result of execution of the command from the application program being a set of environment variables (registry entries are environment variables).

As per claims 6, 15, and 24, *Petrusha* further discloses the command from the application program and the operating system command being executed in a first process and the application

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program being executed in a second process (the registry editor application and the WIN32 Registry API are inherently separate processes).

As per claims 7, 16, and 25, in addition to the disclosure applied above, *Petrusha* further discloses the command from the application program being for storing multiple variables (see, for example, the code of example 2-4 on pages 67-68, and in particular, the last 13 lines of page 67 through the end of the code on page 68, which detail the expansion of a node including retrieving all of the child nodes); retrieving the requested variables comprising generating a data stream including the variables, comprising reading the variables from the data stream into a buffer (see, for example, the same code section discussed above, wherein the node names are read into buffers prior to executing the commands to generating the corresponding data structure information); and processing each line in the buffer to determine each variable name and value, wherein each determined variable name and value is stored in the data object (the node information is used to generate additional entries into the tree data structure through the `TreeView1.Nodes.Add` method).

As per claims, 8, 17, and 26, in addition to the disclosure applied above, *Petrusha* further discloses determining each variable name and value comprising: determining a location of an equal sign; setting the variable name to the string preceding the equal sign; and setting the variable value to the string following the equal sign (this is inherently performed; as is illustrated on page 43, in the sample .REG file, the value entries for particular keys are stored in a “variable=value” format, where “variable” and “value” are both strings; by parsing the lines of the file and populating the registry tree data structure, the equal sign is inherently being recognized by the parser).

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 9, 18, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Petrusha* as applied above to claims 8, 17, and 26.

As per claims 9, 18, and 27, in addition to the disclosure applied above, as admitted prior art, it has been known to employ line wrapping in text files when a line exceeds a predetermined length. Therefore, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made to modify the method of *Petrusha*, for example, when processing a .REG file to import data into the system registry and update the tree data structure, to append the contents of a line onto a parsed value from a previous line to compensate for line wrapping that may have occurred. One would be motivated to do so to ensure that elements are parsed in their entirety.

Allowable Subject Matter

14. Claims 5 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

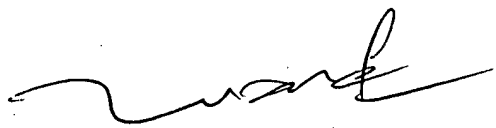
15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist: 571-272-2100.

EBK/EBK
July 7, 2005


TUAN DAM
SUPERVISORY PATENT EXAMINER